

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

MUELLER BRASS CO.,

Plaintiff/Counter-Defendant,

v.

No. 2:20-cv-02496-SHL-atc

DAVID CROMPTON,

Defendant/Counter-Plaintiff.

DAVID CROMPTON,

Third-Party Plaintiff,

v.

MUELLER INDUSTRIES, INC.,

Third-Party Defendant.

**DEFENDANT/COUNTER-PLAINTIFF DAVID CROMPTON’S MOTION TO COMPEL
AND REQUEST FOR EXPEDITED CONSIDERATION**

COMES NOW the Defendant/Counter-Plaintiff, David Crompton (“Crompton”), by and through counsel and pursuant to Fed. R. Civ. P. 26 and 37, files this Motion to Compel Mueller Brass Co. (“MBC”) and Mueller Industries, Inc. (“MLI”) to respond to certain discovery requests. For the reasons stated herein and in Crompton’s Memorandum of Law in Support, filed contemporaneously herewith, Crompton moves the Court as follows:

1. To compel MBC to fully and completely respond to Crompton’s Interrogatory Nos. 14–18, and provide the information requested therein.

2. To compel MBC to produce the documents requested in Crompton's Document Request Nos. 19, 23–24, 26 and 28 and provide the information requested therein.
3. To compel MLI to fully and completely respond to Crompton's Interrogatory Nos. 1–5, and provide the information requested therein.
4. To compel MLI to produce the documents requested in Crompton's Document Request Nos. 1–2, 8–9, 11, 13–16, 19–24 and 26 and provide the information requested therein.
5. To compel both MBC and MLI to produce privilege logs no later than December 17, 2021;
6. To compel MBC to supplement its Initial Disclosures as required under Fed. R. Civ. P. 26(a);
7. To compel MLI to produce its Initial Disclosures as required under Fed. R. Civ. P. 26(a); and
8. To order MBC and MLI to reimburse Crompton for his attorneys' fees and costs associated with bringing and prosecuting this Motion.

In light of the January 5, 2022 closure date for discovery and pending depositions set for the week of December 20, 2021, Crompton also requests that the Court consider this Motion on an expedited basis.

WHEREFORE, PREMISES CONSIDERED, Crompton moves the Court to compel MBC and MLI to respond to Crompton's written discovery requests as set forth above and provide all information and documents requested by December 17, 2021 so that the presently-set depositions may move forward without delay under the applicable Scheduling Order. Crompton further moves the Court for an award of his reasonable attorneys' fees and expenses associated with bringing this Motion.

Respectfully submitted,

/s/ Lawrence J. Laurenzi

Lawrence Laurenzi (BPR No. 009529)

Sarah Stuart (BPR No. 035329)

BURCH, PORTER & JOHNSON, PLLC

130 North Court Avenue

Memphis, Tennessee 38103

Telephone: (901) 524-5000

Facsimile: (901) 524-5024

llaurenzi@bpjlaw.com

sstuart@bpjlaw.com

Michael J. Sullivan (MA No. 487210)

Nathan P. Brennan (MN No. 389954)

Admitted pro hac vice

ASHCROFT LAW FIRM

200 State Street, Floor 7

Boston, MA 02109

Telephone: (617) 573.9400

Facsimile: (617) 933-7607

msullivan@ashcroftlaw.com

nbrennan@ashcroftlaw.com

Attorneys for David Crompton

CERTIFICATE OF CONSULTATION

On November 26, 2021, counsel for Crompton (Michael Sullivan) emailed a letter to MBC's and MLI's counsel, outlining Crompton's request for supplementation of the discovery requests at issue in this Motion. Crompton proposed a phone call among counsel for November 29 or 30 and advised that: if MBC and MLI would not agree to answer the subject interrogatories and requests for production of documents and if no agreement or compromise was reached by December 1, 2021, Crompton would proceed to file his Motion to Compel. On November 30, 2021, counsel for all parties participated in a 30-minute conference call wherein the disputed issues were discussed but no resolution was reached. On December 1, 2021 counsel for MBC and MLI responded by letter, reiterating MBC's and MLI's positions and objections as discussed in the previous day's conference call remained unchanged.

/s/Lawrence J. Laurenzi

Lawrence J. Laurenzi